IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
UNITED STATES OF AMERICA

United States of America,
Ex Rel. Dale Thomas Vosika
and Rob Thompson,

Plaintiffs,

vs.

Starkey Laboratories, Inc.,

Defendant.

Case No. 01-709 DWF/SRN

AFFIDAVIT OF JANICE M. SYMCHYCH IN SUPPOR OF DEFENDANT'S MOTION FOR DISMISSAL WITH PREJUDICE OF SECOND AMENDED COMPLAINT AND RENEWED MOTION REGARDING STATUTE OF LIMITATIONS

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Janice M. Symchych, being first duly sworn, states:

1. I am an attorney with the law firm of Halleland Lewis Nilan Sipkins & Johnson, P.A. I am one of the attorneys representing Starkey Laboratories, Inc. in this action.

2. Attached hereto as Exhibit A is true and correct copy of the documents received in response to Plaintiffs' FOIA Request (Bates labeled Plf FOIA Resp 000001-000736), and referred to herein as (FOIA 000001 *et seq.*).

3. Attached hereto as Exhibit B is a true and correct copy of relevant regulations cited in Defendant's Memorandum.

4. Attached hereto as Exhibit C are true and correct copies of pages from responses to Defendant's FOIA Request (Bates labeled with GSA).

5. Attached hereto as Exhibit D are true and correct copies of the following unpublished cases: *Illinois Glove Co. v. United States.*, 1986 U.S. Dist. LEXIS 21624 at *26 (N.D. Ill. Aug. 12, 1986); *Protest of Control Data Corp.*, 92-1 B.C.A. (CCH) p.24, 555, 1991 WL 29040 (GSBCA) 533, at *26 (Oct. 23, 1991); and *United States ex rel. McCoy v. Seaward Marine Servs., Inc.*, 972 F.2d 344 (4th Cir. 1992)

Further affiant sayeth not.

s/Janice M. Symchych
Janice M. Symchych

Subscribed and sworn to before
me this 8th day of June, 2004.

s/Therese Sutton Matykiewicz
Notary Public